App.P.IX-4]

1926-27 Rel File No. 61-Rev

Previous References. (Rel)

Serial Nos. 32-4-135

Later references.

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for September 26

SUBJECT

Draft bye-laws under Sec 48(4) regarding arranging of Grass on the Municipal area of Bowringpet

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ABL 1926-27 12/27/25 to D.C. Kolar

Rejects to approve the draft bye-laws referred to

In this and the linked file, the Member wants Copies in existing cases for Court sitting Blue pouch.

Please put up on original file

The orgl papers are (Hague F)

The case does not fall under any of the specific clauses of Sec 48. So, this proposed bye-law must be framed under clause (48) which runs as follows:

"generally for the regulation of all matters relating to municipal administration."

It is hard to bring scraping of grass under this clause. In manner, a bye-law like this will clash with the ordinary Criminal law. The municipality may prosecute the offenders or call the police. The bye-law is ultra-jurisdiction after municipal property & for driving animals about. The ordinary law in force appears this purpose. I don't think that the municipal Council is empowered to frame such a bye-law under Sec 48.

Serial No.

From

The Deputy Commissioner, Kolar District.

No.R.O.C. 1552/24-26 dated 18th December 1924.

Requests sanction to the draft bye-laws under Section 144(2) regarding scraping of grass in the [redacted] area and approved by the Municipal Council of Bowringpet Town after publishing them in the Town and also in 3 successive issues of the Gazette.

LOCAL SELF GOVT. BRANCH

2) Similar Bye-laws do not seem to have been passed in any other Dists. ~~As a reference~~ bye-laws are found in ~~made to the~~ printed copy of the Model Bye-laws, ~~the present Bye-laws framed by the Bowringpet Municipal Council do not seem to contain in the printed copy also~~

Submit for orders

11-4-26

2A

24-1

Vide file No. 6044/25-26 dated 26-1-25 from the O/C's Model Bye-laws - re Matters to be made under the Conservancy etc. Bye-laws

11-4-26

2A

24-1

6044/25-26

2) It has been held that other matters must be matters contemplated by the Municipalities. The matter in regard to which bylaws are wanted here does not seem to be one in which any bylaw would be required

L. Secy)

28/4/26

3) I quite agree with L. Secy's opinion

16/4/26

NOTE.

Submit for orders

L. Secy) 18/4

Serial No.

4) The proposed Bye Law seems to be ultra vires of the powers of Municipal Council. It does not relate to municipal administration under the General Clauses Act or Sec 48.

5) Moreover it is open to further objection that when it is already an offence under the Common Law of the land & Indian Penal Code to remove trees belonging to Municipal Council it is doubted whether Municipal Council can convert the penal offence punishable under I. P. Code into one of Local offence -

6) The Bye Law proposed may not be approved

1798
24.

2102
31.8

and Secretariat. File No. of 19

Serial No. 135

GENERAL & REVENUE SECRETARIAT

18 SEP 1925

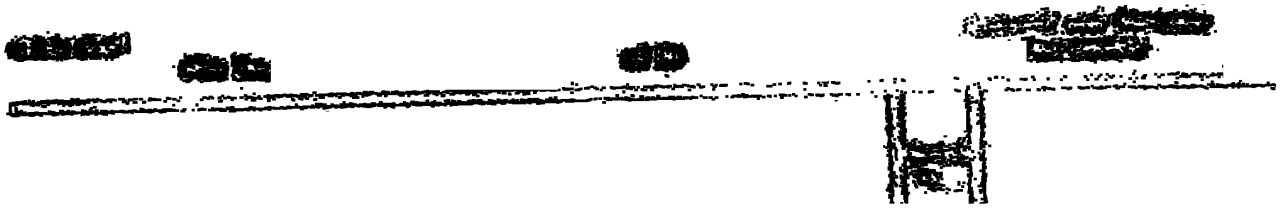
LEGAL & LEGISLATIVE BRANCH

of 1996 12.9.25

The D.C Colombo.

Rejects to approve the Bylaws for certain reasons

NOTE—Cont/



Bye-laws under Sec.46 (W) Regarding scraping of grass in the Municipal area of Bowringpet.

1. No persons shall scrape grass on Road or drain margins or slopes of embankments or from such Municipal areas as may be specified from time to time by the Municipal Council, without the permission in writing from the President or other officer of the Municipal Council authorized by him in this behalf.

2. Any infringement of the Bye-law shall render the offender liable ~~xxxxxx~~ to a fine not exceeding Rs10/-.

3. "Scraping of grass" means removing grass with a momati, spade, or such other instrument which cuts off sods of earth under grass.

PRESIDENT.

App.F.VI-G1.] B650

SUBJECT Re: Draft Bye-laws of the Municipal Council re Scraping of grass in the Mt Road area

Section Mt
File No. 61-24
Serial No. 13

Diary No. of letter replied to 6029

No. d/1996

To The Vice Chairman

General and Revenue Secretariat
( )
, the 192

Sir

With reference to your letter No Roc 1552 dated the 18th Dec. 24 requesting sanction to the Draft Bye-laws framed under Sect. 48(w) of the Mt Rd. Regs. regarding Scraping of grass in the Mt Road area of Municipality, I am directed to state that the proposed Draft Byelaws cannot be approved for the following reasons, viz:-

1) It is ultra vires & does not [illegible] a rule under Sect. 48 of the Mt. Rd. Regs.

2) It is already an offence

Date of issue 12/9/25

Signed by [illegible]

List of enclosures

Copied by [illegible]

Examined by [illegible]

over

under the IPC to remove grass
belonging to the Mc. Council & it is of a consequence
not within their powers to whether the Mc. Council has power
to Convert such penal offences into punishable under I.P.C.
local offences. into a local an offence
under the Local Laws.

I have to